

1. The applicant shall file a report that details the results of the monitoring of the site during the period of the permit.
2. A permit for this use for a period of one year or more shall be issued to the applicant.
3. The applicant shall be responsible for the maintenance of the site and for the removal of any debris or other material from the site.
4. The applicant shall be responsible for the removal of any debris or other material from the site.
5. The applicant shall be responsible for the removal of any debris or other material from the site.
6. Compliance with the requirements of the Department of Health and the Department of Environmental Protection, Division of Air Pollution Control, if the use requires a permit for the use of any equipment or process which emits into the atmosphere. If lubrication and/or oil changes are to be performed, the site plan shall indicate the method of elimination of waste oil in accordance with the Water Resources Administration requirements.
7. Compliance with the requirements of the Department of Health and the Department of Environmental Protection, Division of Air Pollution Control, if the use requires a permit for the use of any equipment or process which emits into the atmosphere.
8. A site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

EXISTING USES - SPOT-A-POT, OFFICE, STORAGE & SERVICE AREA.
ATLANTIC TIRE CO., OFFICES, STORAGE & SERVICE AREA
METERCRAFT CO., OFFICE & SERVICE AREA

PROPOSED USES - SAME

EXISTING ZONING - ML C-1 AND ML IM

PROPOSED ZONING - SAME

AREA OF LOT - 110 AC. ±

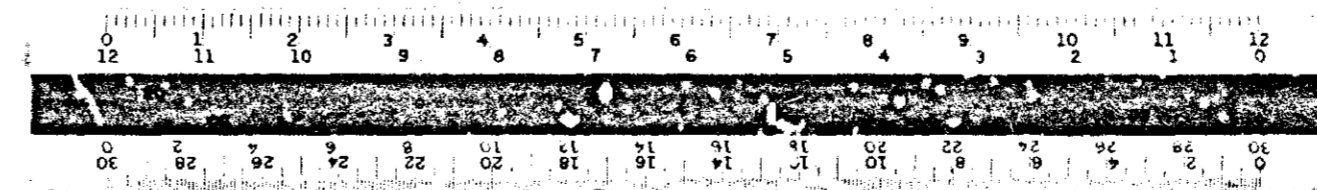
AREA OF BLDG. - OLD BLDG = 9210 SQ. FT. - NEW ADDITION = 3711 SQ. FT. - TOTAL = 12,921 SQ. FT.

PARKING DATA

ATLANTIC TIRE CO. - (OFFICE, STORAGE & SERVICE AREA) (BLDG. AREA 12,921 SQ. FT. ±) (TOTAL LOT AREA 110 AC. ±) (TOTAL LOT AREA 110 AC. ±)

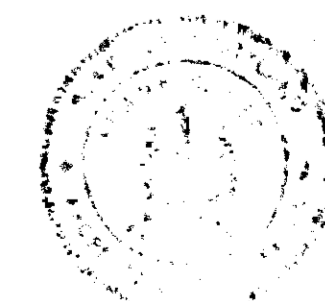
METERCRAFT CO. - (OFFICE, STORAGE & SERVICE AREA) (BLDG. AREA 12,921 SQ. FT. ±) (TOTAL LOT AREA 110 AC. ±) (TOTAL LOT AREA 110 AC. ±)

SPOT-A-POT - (OFFICE, STORAGE & SERVICE AREA) (BLDG. AREA 12,921 SQ. FT. ±) (TOTAL LOT AREA 110 AC. ±) (TOTAL LOT AREA 110 AC. ±)



PLANS APPROVED
BY: Carl Palmer
DATE: 12/21/81

81-175-SPH



WILLIAM E. HAMMOND
ZONING COMMISSIONER

April 21, 1981

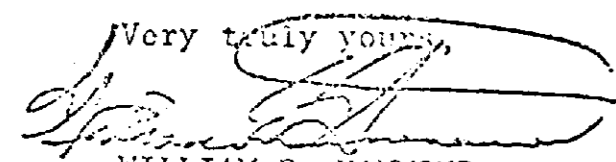
Mr. Earl T. Dolan
305 East Joppa Road
Towson, Maryland 21204

RE: Petition for Special Hearing
Petitioner - Earl T. Dolan, Sr., et ux
Case #81-175 SPH
North side of Sussex Road - 168 feet East of
Newberry Lane

Dear Mr. Dolan:

This is to advise you that \$46.25 is due for advertising
and posting of the above-property.

Please make check payable to Baltimore County, Maryland and
remit to Sondra Jones, Room 113, County Office Building, Towson,
Maryland 21204, before the hearing.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH:sj

81-681

DANIEL J. HANLEY
PATRICK D. HANLEY

LAW OFFICES
HANLEY AND HANLEY
SUITE 210 ALEX BROWN BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1174

April 1, 1981

William E. Hammond
Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition For Special Hearing
606 Sussex Road
Towson, Maryland 21204
Case No. 81-175-SPH

Dear Mr. Commissioner:

Please enter my appearance on behalf of the Petitioner in
the above captioned matter. The Petitioner would also request
that summonses be issued for the following individuals to appear
and testify at the time of the hearing on this matter which I
understand is scheduled for April 9, 1981 at 1:00 p.m.:

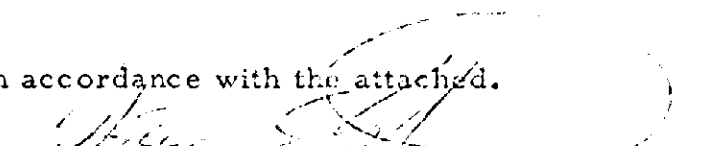
1. Daniel J. Hanley, 101 1/2 Sussex Road, Towson, Md. 21204
2. Barbara Burgess, 10 Warren Common, Cockeysville, Md. 21030
3. Tom Anderson, 13706 Killamney Court, Phoenix, Md. 21131
4. Jane Anderson, 13706 Killamney Court, Phoenix, Md. 21131
5. John Anderson, 612 Sussex Road, Towson, Md. 21204
6. Marye Anderson, 612 Sussex Road, Towson, Md. 21204

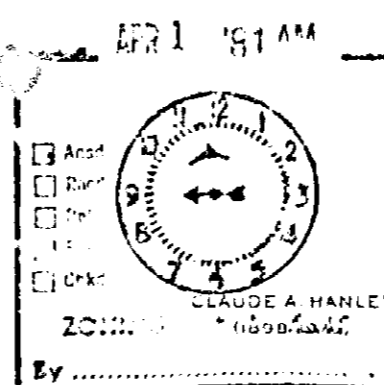
Very truly yours,

Daniel J. Hanley

DJH:d
Mr. Sheriff:

Please issue summonses in accordance with the attached.


Zoning Commissioner of Baltimore County



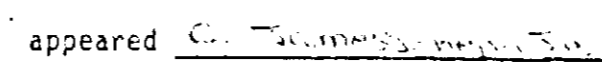
To Whom It May Concern:

This is to certify that on May 27th, 1980 Mrs. Emly Dolan was admitted
to Stella Maris Hospice. There had never been any admission of Mrs. Dolan
to Stella Maris Hospice prior to May 27th, 1980.

In witness where of, the undersign hereunto set their hand and seal:


Witness: 

State of Maryland
County of Baltimore

I hereby certify that on this 11th day of June, 1981, before me,
the subscriber, a Notary Public of the State and County aforesaid, personally
appeared , acknowledged the above
instrument to be her act.

Witness my hand and Notarial Seal the day and year last above written.

My Commission expires July 1, 1982


Notary Public

March 9, 1981

Mr. & Mrs. Earl T. Dolan, Sr.
606 Sussex Road
Towson, Maryland 21204

NOTICE OF HEARING

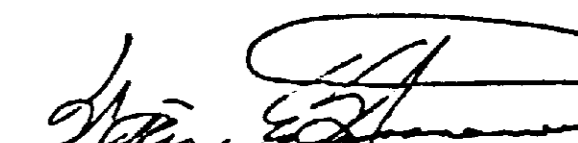
RE: Petition for Special Hearing - N/S Sussex Road,
168' E of Newberry Lane - Case No. 81-175-SPH

TIME: 1:30 P.M.

DATE: Thursday, April 9, 1981

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND


ZONING COMMISSIONER OF
BALTIMORE COUNTY

cc: Honorable Barbara Bachur

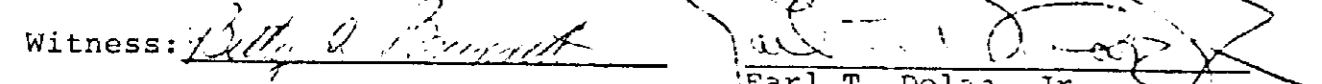
Mr. Frank W. Simcik, Pres.
Wiltontale Improvement Assoc. Inc.
P.O. Box 10116
Towson, Maryland 21204

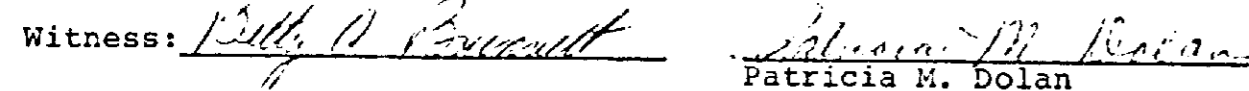
Occupancy Data for Second Floor Apartment
606 Sussex Road
Towson, Maryland 21204

To Whom It May Concern:

This is to advise that the undersigned had resided at
606 Sussex Road from September 1, 1969 until August 15, 1977.

In witness whereof, the undersign hereunto set their hand.

Witness: 
Earl T. Dolan, Jr.

Witness: 
Patricia M. Dolan

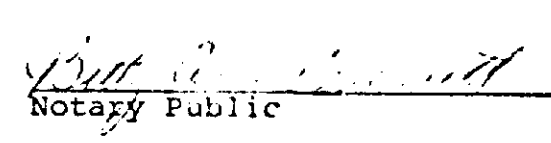
State of Maryland
County of Baltimore

To Wit:

I hereby certify that on this 15th day of January, 1981,
before me, the subscriber, a Notary Public of the State and
County aforesaid, personally appeared Earl T. Dolan, Jr. and
Patricia M. Dolan, and acknowledged the above instrument to be
their act.

Witness my hand and notarial Seal the day and year last
above written.

My commission expires July 1, 1982

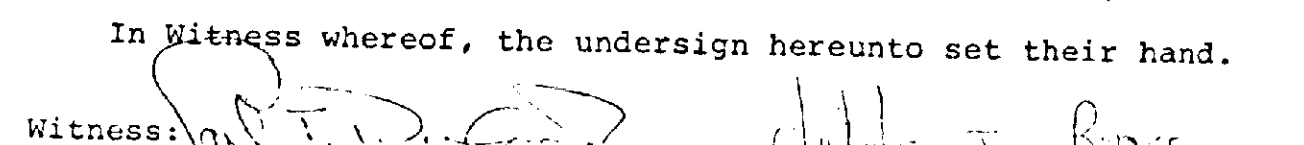

Notary Public


Occupancy Data for Second Floor Apartment
606 Sussex Road
Towson, Maryland 21204

To Whom It May Concern:

This is to advise that the undersigned had resided at
606 Sussex Road from September 1, 1977 until November 1, 1978.

In witness whereof, the undersign hereunto set their hand.

Witness: 
Christopher J. Burgess

Witness: 
Barbara M. Burgess

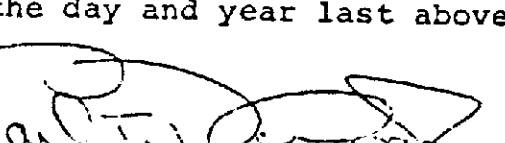
State of Maryland
County of Baltimore

To Wit:

I hereby certify that on this 15th day of January, 1981,
before me, the subscriber, a Notary Public of the State and County
aforesaid, personally appeared Christopher J. Burgess and Barbara
M. Burgess, and acknowledged the above instrument to be their act.

Witness my hand and notarial Seal the day and year last above
written.

My commission expires July 1, 1982


Notary Public

February 24, 1981

Mr. Earl Dolan
606 Sussex Road
Towson, Maryland 21204


Dear Mr. Dolan:

Please find the enclosed estimate for your renovation work
as per our discussion.

If we may be of any other service to you, please do not hesitate
to call.

Sincerely,

HENRY A. KNOTT REMODELING CO., INC.


David P. Trinkle

DPK:vjp
Invoice Enclosed

February 24, 1981

Mr. Earl Dolan
606 Sussex Road
Towson, Maryland 21204

Dear Mr. Dolan:

In reference to our conversation with you on February 17th, 1981
at your residence, we are pleased to submit to you our estimate
for converting your existing two family dwelling into a single.
At this stage, I feel it's appropriate to outline in general what
our scope of work will be composed of.

The primary objective is to create access to the second floor by
means of an interior stairway. We propose to improve the existing
exterior entrance to the second floor to enable the flow of traffic
to enter the stairway to the left of the fireplace (from within the
Living Room). An opening will be created, the existing exterior
entrance will be expanded to enclose the area. The existing roof
will be imp. used to blend aesthetically with the house proper.
The same type of stone and clapboard will be used on the exterior
and painted to blend with house. Rain gutter and downspouts to be
installed on this area.

To create a functional living space on the second floor, we propose
to disconnect and remove all cabinets and appliances in the now
existing kitchen. This space will have a full bathroom installed
and the remainder of the room is to have a large walk-in closet
constructed and other storage areas.

Rooms that now have a 5'w opening are to be framed-in to accept 3'w
wood panel doors.

Continued.....

Occupancy Data for Second Floor Apartment
606 Sussex Road
Towson, Maryland 21204

To Whom It May Concern:

This is to advise that the undersigned had resided at
606 Sussex Road from September 1, 1969 until August 15, 1977.

In witness whereof, the undersign hereunto set their hand.

Witness: Billy D. Burgess Earl T. Dolan, Jr.
Earl T. Dolan, Jr.

Witness: Billy D. Burgess Patricia M. Dolan
Patricia M. Dolan

State of Maryland
County of Baltimore

To Wit:

I hereby certify that on this 15th day of January, 1981,
before me, the subscriber, a Notary Public of the State and
County aforesaid, personally appeared Earl T. Dolan, Jr. and
Patricia M. Dolan, and acknowledged the above instrument to be
their act.

Witness my hand and notarial Seal the day and year last
above written.

My commission expires July 1, 1982

Notary Public

Occupancy Data for Second Floor Apartment
606 Sussex Road
Towson, Maryland 21204

To Whom It May Concern:

This is to advise that the undersigned had resided at
606 Sussex Road from September 1, 1977 until November 1, 1978.

In witness whereof, the undersign hereunto set their hand.

Witness: Christopher J. Burgess Christopher J. Burgess
Christopher J. Burgess

Witness: Barbara M. Burgess Barbara M. Burgess
Barbara M. Burgess

State of Maryland
County of Baltimore

To Wit:

I hereby certify that on this 15th day of January, 1981,
before me, the subscriber, a Notary Public of the State and County
aforesaid, personally appeared Christopher J. Burgess and Barbara
M. Burgess, and acknowledged the above instrument to be their act.

Witness my hand and notarial Seal the day and year last above
written.

My commission expires July 1, 1982

Notary Public

February 24, 1981

Mr. Earl Dolan
606 Sussex Road
Towson, Maryland 21204

Dear Mr. Dolan:

In reference to our conversation with you on February 17th, 1981
at your residence, we are pleased to submit to you our estimate
for converting your existing two family dwelling into a single.
At this stage, I feel it's appropriate to outline in general what
our scope of work will be composed of.

The primary objective is to create access to the second floor by
means of an interior stairway. We propose to improve the existing
exterior entrance to the second floor to enable the flow of traffic
to enter the stairway to the left of the fireplace (from within the
Living Room). An opening will be created, the existing exterior
entrance will be expanded to enclose the area. The existing roof
will be improved to blend aesthetically with the house proper.
The same type of stone and clapboard will be used on the exterior
and painted to blend with house. Rain gutter and downspouts to be
installed on this area.

To create a functional living space on the second floor, we propose
to disconnect and remove all cabinets and appliances in the now
existing kitchen. This space will have a full bathroom installed
and the remainder of the room is to have a large walk-in closet
constructed and other storage areas.

Rooms that now have a 5'w opening are to be framed-in to accept 3'w
wood panel doors.

Continued.....

HENRY A. KNOTT REMODELING CO., INC. • 7 WEST AYLESBURY ROAD, TIMONIUM, MARYLAND 21093 • TELEPHONE (301) 252-7700
MARYLAND LICENSE NO. 1



Mr. Earl Dolan
Page 2
February 24, 1981

NOTES:

All wall areas that are to have construction taking place will
be plastered to blend with remainder of walls. These areas to
be painted.

All floor areas involved are to have a new finished floor.

All areas will have electrical work performed as per code.

For the above scope of work, as noted in general, our estimate
quotation is:
NINETEEN THOUSAND TWO HUNDRED DOLLARS (\$19,200.00).

We thank you for allowing us to present this estimate to you.
Looking forward to working with you, we are

Sincerely,

HENRY A. KNOTT REMODELING CO., INC.

David P. Trinko
David P. Trinko

Owen W. King
Owen W. King

DPT:vjp

February 24, 1981

Mr. Earl Dolan
606 Sussex Road
Towson, Maryland 21204

Dear Mr. Dolan:

Please find the enclosed estimate for your renovation work
as per our discussion.

If we may be of any other service to you, please do not hesitate
to call.

Sincerely,

HENRY A. KNOTT REMODELING CO., INC.

David P. Trinko
David P. Trinko

DPK:vjp
Invoice Enclosed

LAW OFFICES
HANLEY AND HANLEY
SUITE 210 ALEX BROWN BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 623-1174

DANIEL J. HANLEY
PATRICK D. HANLEY

CLAUDE A. HANLEY
(301) 623-1174

April 14, 1981

Ms. Jean Jung
Deputy Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition For Special Hearing
606 Sussex Road, Towson, Md. 21204
Case No. 81-175-SPH

Dear Ms. Jung:

I am enclosing an affidavit from C. James Schepers, Jr.,
Director of Finance for Stella Maris Hospice. As the affidavit
indicates, Mrs. Emily Dolan was admitted to Stella Maris on
May 27, 1980. By a copy of this letter to Frank Sincik, I have
enclosed a photocopy of the affidavit.

Very truly yours,

Daniel J. Hanley
Daniel J. Hanley

DJH:d
Enclosure 1

CC: Frank Sincik, President
Wiltendale Association
P. O. Box 10116
Towson, Md. 21204

Earl T. Dolan
305 East Joppa Rd.
Towson, Md. 21204

To Whom It May Concern:

This is to certify that on May 27th, 1980 Mrs. Emily Dolan was admitted
to Stella Maris Hospice. There had never been any admission of Mrs. Dolan
to Stella Maris Hospice prior to May 27th, 1980.

In witness whereof, the undersign hereunto set their hand and seal:

Witness: C. James Schepers, Jr. C. James Schepers, Jr.
C. James Schepers, Jr.
Director of Finance
Stella Maris Hospice

State of Maryland
County of Baltimore

I hereby certify that on this 14th day of April, 1981, before me,
the subscriber, a Notary Public of the State and County aforesaid, personally
appeared C. James Schepers, Jr., acknowledged the above

instrument to be her act.

Witness my hand and Notarial Seal the day and year last above written.

My Commission expires July 1, 1982

Notary Public

E. T. Dolan & Associates, Inc.

305 EAST JOPPA ROAD
TABCO TOWERS
BALTIMORE, MARYLAND 21204

Earl T. Dolan, Jr., SRA, CRA, President January 21, 1981

Baltimore County Planning & Zoning Office
111 West Chesapeake Avenue
Towson, Maryland 21204
Mr. William Hammond
Zoning Commissioner

RE:

Petition for Special Hearings
A non-conforming two apartment dwelling
606 Sussex Road
Towson, Maryland 21204
Item # 137

Dear Mr. Hammond:

EARL T. and CLARA DOLAN, SR.

I am representing the sale of my parents house at 606 Sussex Road, Towson,
Maryland, 21204. The contract, which I have obtained, has a contingency for
approval by the zoning office of Baltimore County for the use of the property
as a two-family dwelling. My parents and I have made application for a special
hearing for approval of the dwelling as a two family apartment, non conforming
use.

The dwelling was built in 1947 with county permits and approval as a two
family dwelling. Up until November 1978 the second floor apartment was rented with
never any vacancy. In April of 1979 my grandmother became ill and several hospital
stays made it apparent to my parents that she was incapable of caring for herself.
In October of 1979 she came to live with my parents in the second floor apartment.
Her health became worse and in May of 1980 they placed her in Stella Maris Hospice.
This expense as well as my parents age and forthcoming retirement has resulted in
their decision to sell the property.

Attached are copies of affidavits giving the history of the occupancy of the
apartment. Due to the expense of caring for my grandmother as well as anticipated
settlement date of May 1981, I would deeply appreciate your immediate attention in
this matter. If there are any further questions please contact me at your
convenience.

Respectfully,

Earl T. Dolan, Jr., SRA/CRA
Earl T. Dolan, Jr., SRA/CRA

encl.
ETD:jda

HENRY A. KNOTT REMODELING CO., INC. • 7 WEST AYLESBURY ROAD, TIMONIUM, MARYLAND 21093 • TELEPHONE (301) 252-7700
MARYLAND LICENSE NO. 1

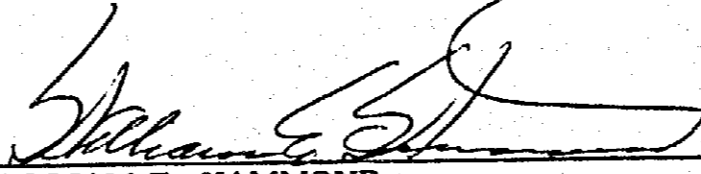
Peterson

Mr. & Mrs. Earl T. Dolan, Sr.
606 Sussex Road
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 10th day
of February, 1981.


WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner Earl T. Dolan, Sr. et ux

Petitioner's Attorney _____ Reviewed by: Nicholas E. Commodari
Nicholas E. Commodari
Chairman, Zoning Plans
Advisory Committee

Deputy Zoning Commissioner should be authorized to use for a two apartment dwelling.

All the parcel of land in the Ninth District of Baltimore County

is shown on a print on the north side of Road, 168 feet from, the intersection of Lane and Sussex Road, as recorded on the plat of "Wildonville, First Block 10, Folio 108, Section 1, Lot 19," of the 606 Sussex Road, Located in the 9th Election District, property of Earl T. Dolan, Jr. The plat of said lot was plan filed with the Zoning Department.

Hearing Date: Thursday, April 9, 1981

AT 1:30 P.M.

Public Hearing: Room 106, County Office Building, 111 W. Lexington Avenue, Towson, Maryland.

BY ORDER: _____, Zoning Commissioner for Baltimore County

5-13H 9th District
N/S of Sussex Rd., 168' E of
Newberry Ln.
EARL T. DOLAN, Sr., et ux
1 SIGN

CERTIFICATE OF PUBLICATION

PETITION FOR SPECIAL HEARING—9th DISTRICT

VENUE: Petition for Special Hearing
LOCATION: North side of Buxner Road, 105 feet East of Newberry
DATE & TIME: Thursday, April 10, 1930 P.M.
PUBLIC HEARING: Room 106, Chesapeake Building, 1111 W. Chesapeake Avenue, Towson, Maryland

The zoning Commissioner of Baltimore County, by authority of the Town and Homeowners of Baltimore County, will hold a public hearing on the following:

Petition for Special Hearing under Section 3067 of the Baltimore County Zoning Regulations, to determine whether or not the proposed residential and office Deputy Zoning Commissioner's office approve a non-conforming use for a two apartment dwelling

All that parcel of land in the Ninth District of Baltimore County

Beginning at a point on the north side of Buxner Road, 105 feet from the intersection of Newberry Lane and Buxner Road, as recorded on the plat of Willonsdale, Plat E, 10, Folio 106, Section 1, Lot 180.

TOWSON, MD. _____ March 12 _____, 1931

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once ~~twice~~ each of ~~one time~~ one week before the _____ 9th _____ day of _____ April _____, 1931, the first publication appearing on the _____ 19th _____ day of _____ March _____, 1931.

THE JEFFERSONIAN,
L. J. Robertson
Manager.

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 097230

DATE 4/21/81 ACCOUNT 01-662

AMOUNT \$46.78

RECEIVED FROM E. T. Dolan & Associates, Inc.

FOR Posting and Advertising of Case #81-175-SPT

46.78

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. C96910

DATE June 8, 1951 ACCOUNT 01-662

AMOUNT \$40.00

RECEIVED Hodes, Kaplan & Kalenberg
FROM
FOR Appeal fee for Case #81-175-5211

VALIDATION OR SIGNATURE OF CASHIER

31-175-911

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9 Date of Posting: 3/13/51
Posted for: Relief from Special Zoning
Petitioner: Earl F. Ryan, Gen. Chas.
Location of property: Rt. 9, Annex Rd., 153, E of
Reisterstown Ave
Location of Signs: Front of property #600 Annex Rd.
Remarks: _____
Posted by: Earl H. Moran Signature _____ Date of return: 3/12/51
Number of Signs: 1

| PETITION MAPPING PROGRESS SHEET | | | | | | | | | | |
|---|----------|----|----------|----|-----------|--|----------|----|-----------|----|
| FUNCTION | Wall Map | | Original | | Duplicate | | Locating | | 200 Sheet | |
| | date | by | date | by | date | by | date | by | date | by |
| Descriptions checked and outline plotted on map | | | | | | | | | | |
| Petition number added to outline | | | | | | | | | | |
| Denied | | | | | | | | | | |
| Granted by ZC, BA, CC, CA | | | | | | | | | | |
| Reviewed by: <u>DJ</u> | | | | | | Revised Plans: Change in outline or description _____ Yes _____ No | | | | |
| Previous case: <u>75-48A</u> <u>in circuit</u> | | | | | | Map # _____ | | | | |

BAaltimore COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. C96910

DATE June 6, 1961 ACCOUNT 01-662

AMOUNT \$10.00

RECEIVED FROM Hodes, Kaplan & Kattenberg

FOR Appeal fee for Case #61-175-CPII

VALIDATION OR SIGNATURE OF CASHIER



Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the following finding of facts that:

1. The residence on the subject property was constructed as a two-family dwelling sometime in 1947-48, and the petitioners have continuously used the first floor as their residence.
2. There has never been an internal access between the first and second floor apartments.
3. Testimony by the petitioners indicated that the use of the second floor as an apartment has not been abandoned or discontinued for a period of one year or more at any time. The occupants of the second floor apartment have been:

- a. Mr. and Mrs. Germont from completion of the residence to August 1952.
 - b. Two retired teachers from 1952 to 1966.
 - c. Dr. and Mrs. Bravos from January 1967 to July 1969.
 - d. The petitioners' son and his family from 1969 to August 1977.
 - e. Mr. and Mrs. Durgess from September 1977 to November 1978.
 - f. Mrs. Emily Dolan from October 15, 1979 to May 27, 1980.
 - g. Pamela Pehrsson from March 1, 1981 to the present.
4. Residents of the area attended the hearing but offered no specific testimony.
 5. The finding of a nonconforming use being conducted on the subject property will not adversely affect the health, safety, and general welfare of the community.

and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 14th day of May, 1981, that a nonconforming use as a two-family dwelling has existed and has been conducted on the property known and designated as W/S Sussex Road since 1947 and, as such, should be and the same is hereby GRANTED the right to continue from and after the date of this Order. Subject, however, to the following restrictions:

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dulak, Superintendent

Towson, Maryland - 21204

Date: February 9, 1981

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: February 10, 1981

RE: Item No: 137, 138, 139, 140, 141, 142, 143, 144
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,
Nick Petrovich, Assistant
Department of Planning

WNP/bp

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204
DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

March 16, 1981

Mr. William E. Hammond
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item 137, Zoning Advisory Committee Meeting of February 10, 1981, are as follows:

Property Owner: Earl T. and Clara G. Dolan, Sr.
Location: N/S Sussex Road 168' E. of Newberry Lane
Existing Zoning: L.R. 5.5
Proposed Zoning: Special Hearing to approve a non-conforming two apartment dwelling.

Acres: 50 X 125
District: 9th

Metropolitan water and sewer exist, therefore, no health hazards are anticipated.

Very truly yours,
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/ko

RE: PETITION FOR SPECIAL HEARING : BEFORE
for a non-conforming two apartment : COUNTY BOARD OF APPEALS
dwelling : OF
N/S of Sussex Road, 168' E. of :
Newberry Lane :
9th District : BALTIMORE COUNTY
Earl T. Dolan, Sr., et ux, :
Petitioners : No. 81-175-SPH

OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner, dated May 14, 1981, finding that a non-conforming use of the property known as 406 Sussex Road as a two family dwelling has existed and been conducted on this property continuously since 1947, and as such, granting the right to so continue. Case was heard "De Novo" this day in its entirety.

Testimony and evidence introduced this day produced the following facts for the Board's consideration in this case. The home was built new in the years 1946 and 1947. It was designed and built as a two family residence with an apartment on the first floor and another on the second floor. Private entrances to both apartments were provided with no direct access from one to the other. Each apartment had its own source for heating and separate meters for electricity. The second floor was finished first and the first tenant took occupancy in January 1948. Upon completion of the downstairs apartment, the property owner took up residence there and remained in tenancy continuously until June, 1981. The upstairs apartment naturally had a series of tenants, as follows:

- 1) Mr. and Mrs. Germont - Jan. 1948 thru Sept. 1952
- 2) Misses Irene and Roxanne Steel - Oct. 1952 thru Sept. 1966
- 3) Dr. and Mrs. Anthony Bratters - Feb. 1967 thru July 1969
- 4) Mr. Dolan's son and wife - Sept. 1969 thru Aug. 1977
- 5) Mr. & Mrs. Christopher Burgess - Sept. 1977 thru Nov. 1978
- 6) Mrs. Emily Dolan - Oct. 1979 thru May 1980
a) Testimony indicated that Mrs. Dolan, 97 years of age, lived with and was cared for by Mr. Dolan's brother. There were family problems with this arrangement, so Mr. Dolan left the apartment vacant, knowing that sooner or later he would have

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494 Jolo
TED ZALESKI JR.
DIRECTOR

February 20, 1981

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #137 Zoning Advisory Committee Meeting, February 10, 1981

Are as follows:

Property Owner: Earl T. & Clara G. Dolan, Sr.
Location: N/S Sussex Road 168' E. of Newberry Lane
Existing Zoning: D.R. 5.5
Proposed Zoning: Special Hearing to approve a non-conforming two apartment dwelling.

Acres: 50 X 125
District: 9th

The items checked below are applicable:

- X A. All structures shall conform to the Baltimore County Building Code 1978, and other applicable Codes.
- X B. A building/ permit shall be required if any construction is required to comply with Item "I".
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. In wall frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be a one hour fire resistive construction, no openings permitted within 6' 0" of lot line. A minimum 2" masonry firewall is required if construction is in the lot line.
- F. Supplemental variance conflicts with the Baltimore County Building Code, Section 5.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can consent on a above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed complies with the height, area requirements of Table X-5 and the required construction classification of Table 211.
- X I. Comments: A separate means of egress shall be provided each tenant, exitway and tenant separation shall be 1 hour.

NOTE: These comments reflect only on the information provided by the drawing submitter to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Avenue, Towson.

Very truly yours,

Shirley E. Dunbar
Director, Office of Permits & Licenses
Plans Review

CHP:ej

Earl T. Dolan, Sr., et ux
Case No. 81-175-SPH

to move his mother in to take care of her. He testified that on Oct. 15, 1979, he and other family members moved his mother and all her furniture and personal belongings into this apartment. He also testified that he used her Social Security check to provide for her needs, i.e., food, clothing, medicine, etc., and to defray the rent aspect of the apartment. In May, 1980, Mrs. Dolan was placed in the Stella Maris Home for the Aged.

7) Ms. Pamela Peterson - March 1981 thru the present

Protestants are challenging the period between November 1978 and October 1979 or even May 1980 as the period during which the non-conforming use lapsed. The Board is of the opinion that this is not a valid contention. The first period is from November 1978 until October 1979, and this is not quite one year. Mr. Dolan's testimony clearly indicates no intention to abandon the apartment use, but merely a holding pattern awaiting the disposition of his mother's care. Once she took up residence from October 15, 1979 thru May 1980, the total residence was clearly used as two apartments. Mrs. Dolan Sr.'s furniture was in use there, her clothing, all her personal belongings and all her kitchen needs. Testimony from a neighbor, Mrs. Leontine K. Whiting, was to the effect that on occasions, she visited with Mrs. Dolan, Sr., in her second floor quarters. After consideration of all the testimony and evidence presented this day, the Board is of the opinion that the petition for non-conforming use will be granted and the Order of the Deputy Zoning Commissioner, dated May 14, 1981, be affirmed.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 24th day of September, 1981, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner, dated May 14, 1981, be AFFIRMED.

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-1310
PAUL H. RENFEE
CHIEF

March 6, 1981

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Earl T. & Clara G. Dolan, Sr.

Location: N/S Sussex Road 168' E. of Newberry Lane

Item No.: 137 Zoning Agenda Meeting of Feb. 10, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(XX) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: Earl T. Dolan, Sr. Noted and Approved: Shirley E. Dunbar
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

Earl T. Dolan, Sr., et ux
Case No. 81-175-SPH

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

John V. Murphy

Patricia Phipps

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
September 24, 1981

J. Michael Lawlor, Esq.
110-112 E. Madison St.
Baltimore, Md. 21202

Re: Case No. 81-175-SPH
Earl T. Dolan, Sr., et ux

Dear Mr. Lawlor:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.
cc: Daniel Hanley, Esq.
Frank Simcik
Ms. Kitty Harris
Hon. Barbara Bachur
Earl T. Dolan, et ux
Earl T. Dolan, Jr.
Jean K. Duvall
E. Siebert, Esq.
J. E. Dyer
W. Hammond
J. Jung
N. Gerber
J. Hoswell

7/15/81 - Notified of appeal hearing scheduled for WEDNESDAY, AUGUST 19, 1981 at 10 a.m.

Daniel J. Hanley, Esq.
Earl T. Dolan, Sr.
Earl T. Dolan, Jr.
Frank Simcik
J. Michael Lawlor, Esq.
Ms. Kitty Harris
Jean K. Duvall
Hon. Barbara Bachur
John W. Hession, III, Esq.

7/24/81. Tom Callaghan checked file, doesn't see any reason for him to appear. However, if he showed up, he would have a case day of hearing.

IN RE * OFFICE OF THE
PETITION FOR SPECIAL HEARING * ZONING COMMISSIONER
N/S OF SUSSEX ROAD * BALTIMORE COUNTY,
168 E. of Newberry Lane * MARYLAND
9th Election District *
EARL T. DOLAN, SR., Et Ux. * No. 81-175-SPH

SUBPOENA DUCES TECUM

MR. CLERK:

Please issue a subpoena duces tecum commanding C. JAMES SCHEPER, JR., Director of Finance, Stella Maris Hospice, 2300 Dulaney Valley Road, Towson, Maryland 21204, to be and appear at the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204 on Wednesday, August 19, 1981 at 10:00 a.m. and to bring and produce with him the following records in his possession, custody and control:

1. The admission records of Mrs. Emily Dolan, showing her admission to Stella Maris Hospice.

DANIEL J. HANLEY, Esquire
Suite 210 Alex. Brown Building
102 West Pennsylvania Avenue
Towson, Maryland 21204
823-1174
Attorney for Petitioner

Mr. Sheriff:

Please issue the above summons.

June Holmen
June Holmen, County Board of Appeals

IN RE * OFFICE OF THE
PETITION FOR SPECIAL HEARING * ZONING COMMISSIONER
N/S OF SUSSEX ROAD * BALTIMORE COUNTY,
168 E. of Newberry Lane * MARYLAND
9th Election District *
EARL T. DOLAN, SR., Et Ux. * No. 81-175-SPH

SUMMONS

DEAR MR. CLERK:

Please issue a summons to:

Barbara Burgess
10 Warren Common
Cockeysville, Maryland 21030

John Anderson
612 Sussex Road
Towson, Maryland 21204

Marge Anderson
612 Sussex Road
Towson, Maryland 21204

Mrs. Raymond A. Whiting
218 Rogers Forge Road
Baltimore, Maryland 21212

to testify for the Petitioner. Make the same returnable to the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204 on Wednesday, August 19, 1981 at 10:00 a.m.

COST \$ 5.00

SUMMONED 8/5 1981

NON EST 19

NON SUNT 19

COPY LEFT 8/5 1981

CHARLES H. HICKEY, JR.
OF BALTIMORE COUNTY

Mr. Sheriff:

Please issue the above summons.

June Holmen
June Holmen, County Board of Appeals

IN RE * OFFICE OF THE
PETITION FOR SPECIAL HEARING * ZONING COMMISSIONER
N/S OF SUSSEX ROAD * BALTIMORE COUNTY,
168 E. of Newberry Lane * MARYLAND
9th Election District *
EARL T. DOLAN, SR., Et Ux. * No. 81-175-SPH

SUMMONS

DEAR MR. CLERK:

Please issue a summons to:

Barbara Burgess
10 Warren Common
Cockeysville, Maryland 21030

John Anderson
612 Sussex Road
Towson, Maryland 21204

Marge Anderson
612 Sussex Road
Towson, Maryland 21204

Mrs. Raymond A. Whiting
218 Rogers Forge Road
Baltimore, Maryland 21212

to testify for the Petitioner. Make the same returnable to the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204 on Wednesday, August 19, 1981 at 10:00 a.m.

COST \$ 5.00

SUMMONED 8/5 1981

NON EST 19

NON SUNT 19

COPY LEFT 8/5 1981

CHARLES H. HICKEY, JR.
OF BALTIMORE COUNTY

Mr. Sheriff:

Please issue the above summons.

June Holmen
June Holmen, County Board of Appeals

IN RE * OFFICE OF THE
PETITION FOR SPECIAL HEARING * ZONING COMMISSIONER
N/S OF SUSSEX ROAD * BALTIMORE COUNTY,
168 E. of Newberry Lane * MARYLAND
9th Election District *
EARL T. DOLAN, SR., Et Ux. * No. 81-175-SPH

SUMMONS

DEAR MR. CLERK:

Please issue a summons to:

Barbara Burgess
10 Warren Common
Cockeysville, Maryland 21030

John Anderson
612 Sussex Road
Towson, Maryland 21204

Marge Anderson
612 Sussex Road
Towson, Maryland 21204

Mrs. Raymond A. Whiting
218 Rogers Forge Road
Baltimore, Maryland 21212

to testify for the Petitioner. Make the same returnable to the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204 on Wednesday, August 19, 1981 at 10:00 a.m.

DANIEL J. HANLEY, Esquire
Suite 210 Alex. Brown Building
102 West Pennsylvania Avenue
Towson, Maryland 21204
823-1174
Attorney for Petitioner

Mr. Sheriff:

Please issue the above summons.

June Holmen
June Holmen, County Board of Appeals

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

July 15, 1981

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 81-175-SPH EARL T. DOLAN, SR. ET UX

RE: Nonconforming use as a 2 family dwelling

N/S of Sussex Road, 168 E. of Newberry Lane

9th District

5/14/81 - DZC GRANTED PETITION, subject to restrictions

ASSIGNED FOR: WEDNESDAY, AUGUST 19, 1981 at 10 a.m.

cc: Daniel J. Hanley, Esquire Counsel for Petitioner
Earl T. Dolan, Sr. Petitioner
Earl T. Dolan, Jr.
Mr. Frank Simcik, President Protestants
Wiltontdale Improvement Assn.
J. Michael Lawlor, Esq. Counsel for Protestants (Frank Simcik)
Ms. Kitty Harris Protestants
Jean K. Duvall
Greater Towson Council of Community Associations
The Hon. Barbara Bachur County Council
John W. Hession, III, Esq. People's Counsel
Mr. W. E. Hammond
Mrs. J. Jung
Mr. J. E. Dyer
Mr. W. E. Gerber
Mr. J. G. Hoswell

Edith T. Eisenhart, Adm. Secretary

IN RE: * OFFICE OF THE
PETITION FOR SPECIAL HEARING * ZONING COMMISSIONER
N/S OF SUSSEX ROAD *
168 E. of Newberry Lane * BALTIMORE COUNTY,
9th Election District * MARYLAND
EARL T. DOLAN, SR. et ux * No. 81-175-SPH

PETITION

Frank Simcik and the Wiltontdale Improvement Association, by J. Michael Lawlor and Hodes, Kaplan & Katzenberg, P.A., their attorneys, petition the Board of Appeals to grant an Order requiring Earl T. Dolan, Jr. to attend and answer questions on oral Deposition.

The grounds for this Petition are as follows:

1. That Earl T. Dolan, Sr. has presented evidence that Earl T. Dolan, Jr. was a tenant of the subject property of this appeal from 1969 to August of 1977.
2. Said evidence is critical to any finding that the use of the property was not abandoned or discontinued for a period of one or more years;
3. The evidence is unsubstantiated and unverifiable without said deposition;
4. Said evidence is available only to Mr. Dolan, Sr. and Mr. Dolan, Jr., and they have expressed no inclination to divulge it;
5. The posture of the case is such that the Petitioners herein will be precluded from any such discovery if the case is further appealed;
6. The Petitioners herein, who are residents of the area affected by any ruling, are unable to offer specific testimony without the evidence peculiar to the Dolans;
7. Such resistance on the part of the Dolans prevents a full presentation of the facts and would amount to a denial of due process of law.

WHEREFORE, in the interest of justice and procedural due

process the Petitioners herein respectfully request that the Board of Appeals grant an Order, pursuant to the Rules of Practice and Procedure of the County Board of Appeals, Rule 4-b., that will require Mr. Earl T. Dolan, Jr. to submit to examination by oral deposition.

J. MICHAEL LAWLOR
Hodes, Kaplan & Katzenberg, P.A.
110 E. Madison Street
Baltimore, Maryland 21202
837-6200
Attorneys for Petitioners

I HEREBY CERTIFY that on this 21st day of July, 1981, I caused a copy of the foregoing to be mailed, postage prepaid, to Daniel J. Hanley, Esquire, Suite 210, Alex Brown Building, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Earl T. Dolan, Sr.

J. MICHAEL LAWLOR

RECEIVED
BALTIMORE COUNTY
JUL 21 10 10 AM '81
COUNTY CLERK
BY: [Signature]

-2-

IN RE: * OFFICE OF THE
PETITION FOR SPECIAL HEARING * ZONING COMMISSIONER
N/S OF SUSSEX ROAD *
168 E. of Newberry Lane * BALTIMORE COUNTY,
9th Election District * MARYLAND
EARL T. DOLAN, SR., Et Ux. * NO. 81-175-SPH

ANSWER TO PETITION

Comes now EARL T. DOLAN, SR., by Daniel J. Hanley, Esquire, and Hanley & Hanley, his attorneys, and answers unto the Petition of FRANK SIMCIK and the WILTONDALE IMPROVEMENT ASSOCIATION, as follows:

1. That Board of Appeals Rule 4-(d) sets forth that deposition can only be taken by agreement of all parties.
2. That Earl T. Dolan, Sr. does not desire to submit to such a deposition.

WHEREFORE, having fully answered unto the Petition of Frank Simcik and Wiltondale Improvement Association, Earl T. Dolan, Sr. prays as follows:

1. That the Petition be dismissed with costs assessed against the protestants.
2. And for such other and further relief as this cause may require.

Daniel J. Hanley
210 Alex Brown BLDG
102 W. Pennsylvania Ave
Towson, Maryland 21204
823-1174
Attorney for Earl T. Dolan, Sr.,

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of July, 1981, a copy of the foregoing Answer to Petition was mailed by first class mail, postage prepaid, to J. Michael Lawlor, Esquire, 110 East Madison Street, Baltimore, Maryland 21202.

Daniel J. Hanley

LAW OFFICES
HANLEY AND HANLEY
ALEX BROWN BUILDING
102 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

RECEIVED
BALTIMORE COUNTY
JUL 22 1 10 PM '81
COUNTY CLERK
BY: [Signature]

IN RE: * OFFICE OF THE
PETITION FOR SPECIAL HEARING * ZONING COMMISSIONER
N/S OF SUSSEX ROAD *
168 E. of Newberry Lane * BALTIMORE COUNTY,
9th Election District * MARYLAND
EARL T. DOLAN, SR., Et Ux. * NO. 81-175-SPH

ANSWER TO PETITION

Comes now EARL T. DOLAN, JR., by Daniel J. Hanley, Esquire, and Hanley & Hanley, his attorneys, and answers unto the Petition of FRANK SIMCIK and the WILTONDALE IMPROVEMENT ASSOCIATION, as follows:

1. That Board of Appeals Rule 4-(d) sets forth that deposition can only be taken by agreement of all parties.
2. That Earl T. Dolan, Jr. does not desire to submit to such a deposition.

WHEREFORE, having fully answered unto the Petition of Frank Simcik and Wiltondale Improvement Association, Earl T. Dolan, Jr. prays as follows:

1. That the Petition be dismissed with costs assessed against the protestants.
2. And for such other and further relief as this cause may require.

Daniel J. Hanley
210 Alex Brown BLDG
102 W. Pennsylvania Ave
Towson, Maryland 21204
823-1174
Attorney for Earl T. Dolan, Jr.,

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of July, 1981, a copy of the foregoing Answer to Petition was mailed by first class mail, postage prepaid, to J. Michael Lawlor, Esquire, 110 East Madison Street, Baltimore, Maryland 21202.

Daniel J. Hanley

RECEIVED
BALTIMORE COUNTY
JUL 22 1 10 PM '81
COUNTY CLERK
BY: [Signature]

LAW OFFICES
HANLEY AND HANLEY
ALEX BROWN BUILDING
102 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

IN RE: * OFFICE OF THE
PETITION FOR SPECIAL HEARING * ZONING COMMISSIONER
N/S OF SUSSEX ROAD *
168 E. of Newberry Lane * BALTIMORE COUNTY,
9th Election District * MARYLAND
EARL T. DOLAN, SR. et ux * NO. 81-175-SPH

PETITION

Frank Simcik and the Wiltondale Improvement Association, by J. Michael Lawlor and Hodes, Kaplan & Katzenberg, P.A., their attorneys, petition the Board of Appeals to grant an Order requiring Earl T. Dolan, Sr. to permit an inspection of the premises known as 606 Sussex Road, Towson, Maryland 21204, by the Petitioners herein at such time as is found to be reasonable by the Board.

The grounds for this Petition are as follows:

1. Earl T. Dolan, Sr. has presented evidence concerning the above address that cannot be verified without an on-site inspection;
2. Said evidence is critical to the Petitioners' case;
3. Not permitting an inspection will cause undue hardship in pursuing the case.

WHEREFORE, The Petitioners herein respectfully request that an Order be granted requiring an inspection of the aforementioned property.

J. MICHAEL LAWLOR
Hodes, Kaplan & Katzenberg, P.A.
110 E. Madison Street
Baltimore, Maryland 21202
837-6200
Attorneys for Petitioners

I HEREBY CERTIFY that on this 21st day of July, 1981, I caused a copy of the foregoing to be mailed, postage prepaid, to Daniel J. Hanley, Esquire, Suite 210, Alex Brown Building, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Earl T. Dolan, Sr.

J. MICHAEL LAWLOR

Practice and Procedure of the County Board of Appeals, Rule 4-b., that will require Mr. Earl T. Dolan, Sr. to submit to examination by oral deposition.

J. MICHAEL LAWLOR
Hodes, Kaplan & Katzenberg, P.A.
110 E. Madison Street
Baltimore, Maryland 21202
837-6200
Attorneys for Petitioners

I HEREBY CERTIFY that on this 21st day of July, 1981, I caused a copy of the foregoing to be mailed, postage prepaid, to Daniel J. Hanley, Esquire, Suite 210, Alex Brown Building, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Earl T. Dolan, Sr.

J. MICHAEL LAWLOR

RECEIVED
BALTIMORE COUNTY
JUL 21 10 10 AM '81
COUNTY CLERK
BY: [Signature]

-2-

IN RE: * OFFICE OF THE
PETITION FOR SPECIAL HEARING * ZONING COMMISSIONER
N/S OF SUSSEX ROAD *
168 E. of Newberry Lane * BALTIMORE COUNTY,
9th Election District * MARYLAND
EARL T. DOLAN, SR., Et Ux. * NO. 81-175-SPH

ANSWER TO PETITION

Comes now EARL T. DOLAN, SR., by Daniel J. Hanley, Esquire, and Hanley & Hanley, his attorneys, and answers unto the Petition of Frank Simcik and the Wiltondale Improvement Association, which Petition asks permission to inspect the premises, as follows:

1. Earl T. Dolan, Sr. has no obligation to provide protestants with the opportunity to inspect the premises.
2. Earl T. Dolan, Sr. will permit the Board at the time of the hearing to inspect the premises if the members of the Board of Zoning Appeals desire to so inspect the premises.

WHEREFORE, having fully answered unto the Petition of Frank Simcik and the Wiltondale Improvement Association, Earl T. Dolan, Sr. prays as follows:

1. That the Petition to Permit Protestants to inspect the premises be denied;
2. And for such other and further relief as this cause may require.

Daniel J. Hanley
210 Alex Brown BLDG
102 W. Pennsylvania Ave
Towson, Maryland 21204
823-1174

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 22nd day of July, 1981 that a copy of the foregoing Answer to Petition was mailed by first class mail, postage prepaid, to J. Michael Lawlor, Esquire, 110 East Madison Street, Baltimore, Maryland 21202.

Daniel J. Hanley

RECEIVED
BALTIMORE COUNTY
JUL 22 1 10 PM '81
COUNTY CLERK
BY: [Signature]

RECEIVED
BALTIMORE COUNTY
JUL 21 10 10 AM '81
COUNTY CLERK
BY: [Signature]

LAW OFFICES
HANLEY AND HANLEY
ALEX BROWN BUILDING
102 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

As to your request for postponement, on checking with the Clerk of the court at Owings Mills we find that your case which had been set for hearing on August 19th has been postponed and rescheduled for October 21st, so that there is now no need to grant a postponement of the case scheduled before the Board.

IT IS FURTHER AGREED BY THE PARTIES HERETO:

1. The Owner agrees that the Tenant, peacefully and quietly, may enter on the leased premises at the beginning of the term hereof, and that the leased premises will be made available in a condition permitting habitation, with reasonable safety, except as follows:

| 2. The obligations of the parties with respect to services, utilities and repairs shall be as follows: | |
|--|---|
| To Be Furnished at Cost and Expense of: | To Be Furnished at Cost and Expense of: |
| a. Heat Owner (X) Tenant () | f. _____ Owner () Tenant () |
| b. Gas Owner (X) Tenant () | g. _____ Owner () Tenant () |
| c. Electricity Owner () Tenant (X) | h. _____ Owner () Tenant () |
| d. Hot Water Owner (X) Tenant () | i. _____ Owner () Tenant () |
| e. Cold Water Owner (X) Tenant () | |

Except as may be hereinafter provided, Tenant agrees to pay for all repairs and renovations to the leased premises during the term hereof, and any renewal thereof, other than those repairs to the gas, electric and plumbing systems, fixtures or appliances required by reason of ordinary wear and use thereof. The replacement of any cracked or broken windows or other glass shall be the responsibility of Tenant. Any sum payable hereunder shall be due and collectible as additional rent for the leased premises.

Additional agreements, if any, regarding services, utilities or repairs are as follows: Tenant has right to use basement laundry facilities w/some storage space.

In the event that Owner has agreed herein to furnish any service or utility at Owner's cost and expense, and should it become necessary at any time, because of accident, malfunction, or for the purpose of repairing or improving the equipment furnishing such service or utility, or anything pertaining thereto, the Owner shall have the right, without liability to the Tenant for any direct or indirect damages, to temporarily stop or curtail the furnishing of any such service or utility, but, in any such case, the Owner agrees to use due diligence in restoring such service or utility.

Tenant agrees to notify Owner promptly of any defect in the leased premises which it is the Owner's obligation hereunder to repair.

In the event Owner or Tenant is prevented or is unable, for reasons beyond Owner's or Tenant's control, to obtain fuel or electricity for the services which they respectively have agreed above to furnish, or in the event of the rationing or non-delivery of the same, Owner is hereby released and discharged from any damages, direct or indirect, which might be suffered by Tenant, and this Lease shall continue in full force and effect.

3. If the rent shall be due and unpaid, or if the Tenant shall violate any of the agreements on Tenant's part herein made, the Owner may distrain therefor and/or re-enter the leased premises in accordance with the applicable provisions of law, and any such re-entry shall terminate this Lease. No such termination, however, shall deprive the Owner of any other right of action against the Tenant for possession, for rent or for damages.

4. Additional provisions, if any, are as follows: Tenant understands that on or before 6/31/81 upon exchange of ownership w/new purchaser, 1/2 of the 2-car garage will be available for above tenant's use.

5. The provisions hereof, together with any provisions applicable hereto which have been added by the parties, constitute the entire agreement between the parties hereto with respect to the said premises.

The Owner recognizes McGuire & Co. as the Realtor negotiating this Lease and agrees to pay the said Realtor, at the time of the execution hereof by the Owner, a brokerage fee for services rendered amounting to \$ 400.00 or a brokerage fee to be computed and paid as follows:

TENANTS HAVE READ OR HAVE HAD THIS AGREEMENT READ TO THEM, UNDERSTAND SAME, HAVE RECEIVED A COPY OF THIS AGREEMENT, AND BOTH OWNER AND TENANTS BY THEIR SIGNATURES HEREBY ACCEPT AND AGREE TO BE BOUND BY ALL THE TERMS AND CONDITIONS SET FORTH HEREIN.

WITNESS the hands and seals of the parties hereto the day and year first above written.

Signature of Owner
WITNESSED BY OWNER
Signature of Tenant
WITNESSED BY TENANT

Renewal Provision

It is agreed by the parties that the foregoing Lease, with all its provisions and covenants, shall continue in force from year to year (or _____) after the expiration of the term above mentioned; provided, however, that the parties hereto, or either of them, can terminate the same at the end of the term mentioned, or at the end of any renewal thereof, by giving at least ninety (90) (or _____) days prior written notice to the other party.

TENANTS INITIALS: _____

LAW OFFICES
HANLEY AND HANLEY
SUITE 210 ALEX BROWN BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

DANIEL J. HANLEY
PATRICK D. HANLEY

(301) 823-1174

CLAUDE A. HANLEY
(606) 1976

June 23, 1981

William T. Hackett, Chairman
County Board of Zoning Appeals
Room 219
Court House
Towson, Maryland 21204

RE: Petition for Special Hearing north side of Sussex Rd.,
168' E of Newberry Lane - 9th Election District
Earl T. Dolan, Sr., et ux - Petitioners
No. 81-175-SPH (Item No. 137)

Dear Mr. Hackett:

An appeal of the above captioned matter has been noted by J. Michael Lawler, Esquire. Kindly schedule same for a hearing on the merits at the earliest possible date.

Very truly yours,

Signature of Daniel J. Hanley
Daniel J. Hanley

DJH:d

CC: Earl T. Dolan
J. Michael Lawler, Esquire

RECEIVED
BALTIMORE COUNTY
JUN 25 11 11 AM '81
CLERK OF COURT
JUL 1 1981

Page Two
J. Michael Lawler, Esquire

Accordingly, since the preliminary matters contained in both of the petitions have now been ruled on and the postponement request has also been denied, the case will proceed on the merits on August 19th, 1981.

Very truly yours,

Signature of William T. Hackett
William T. Hackett, Chairman

WTH:e

cc: Daniel J. Hanley, Esquire

LAW OFFICES
HANLEY AND HANLEY
SUITE 210 ALEX BROWN BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

DANIEL J. HANLEY
PATRICK D. HANLEY

(301) 823-1174

CLAUDE A. HANLEY
(606) 1976

July 28, 1981

Mr. William Hackett, Chairman
Baltimore County Board of Zoning Appeals
Room 219 - Court House
Towson, Maryland 21204

RE: CASE NO. 81-175-SPH
My Client: Earl T. Dolan, Sr.

Dear Mr. Hackett:

I am in receipt of a copy of a letter from J. Michael Lawlor to you in which Mr. Lawlor requests a postponement of the August 19, 1981 hearing date in the above captioned matter. Mr. Lawlor cites a District Court case he has that afternoon as the reason for his requested postponement. On checking with the District Court of Maryland at Owings Mills I was advised by the Clerk of that Court that Mr. Lawlor's case in District Court had been postponed. They advised me that his District Court case was presently scheduled for trial on October 21, 1981. The case was postponed by Mr. Lawlor's opposing counsel and was done so after the July 21, 1981 letter to you. Accordingly, Mr. Lawlor's calendar should now be free to attend this hearing.

I would vigorously object to any postponement of this case.

As to the matters set forth in the Petition of Mr. Lawlor, I am enclosing Answers to his Petition. I would request the Board's timely ruling on these Petitions so that the case is not delayed.

Very truly yours,

Signature of Daniel J. Hanley
Daniel J. Hanley

eav

RECEIVED
BALTIMORE COUNTY
JUL 28 1 10 PM '81
CLERK OF COURT
JUL 29 1981

HODES, KAPLAN & KATZENBERG, P.A.
ATTORNEYS AT LAW

MICHAEL C. HODES
LOUIS I. KAPLAN
ALEX S. KATZENBERG, III
J. MICHAEL LAWLER
TIMOTHY F. UMBREIT

110-112 E. MADISON STREET
BALTIMORE, MARYLAND 21202
(301) 827-6200
SUITE 814
6301 IVY LANE
GREENBELT, MARYLAND 20770
(301) 821-1777

July 21, 1981

Office of the Zoning Commissioner
Board of Appeals
County Courts Building
Towson, Maryland 21204

Re: Petition of Earl T. Dolan, Sr.,
et ux
No. 81-175-SPH

Dear Sir or Madam:

I received the Notice of Assignment today scheduling the hearing in the above referenced case for August 19, 1981 at 10:00 a.m.

At present, I have a case scheduled for trial in the District Court of Baltimore County at 1:30 p.m. on that day. The name of the case is Shor & Sugar v. Feldman.

I am, therefore, requesting that the hearing be postponed. Also, I am requesting that you file the enclosed Petitions for the Commission's consideration.

Thanking you, I am

Sincerely,

HODES, KAPLAN & KATZENBERG, P.A.

Signature of J. Michael Lawlor
J. Michael Lawlor

JML:rab

Encls.

cc: Daniel J. Hanley, Esquire

No provision in the Rules of Procedure of the County Board of Zoning Appeals requires that the County Board of Zoning Appeals, for the hearing of a petition, be held in the County Office Building.

RECEIVED
BALTIMORE COUNTY
JUL 28 1 10 PM '81
CLERK OF COURT
JUL 29 1981

HODES, KAPLAN & KATZENBERG, P.A.

ATTORNEYS AT LAW

MICHAEL C. HODES
LOUIS I. KAPLAN
ALEX S. KATZENBERG, III
J. MICHAEL LAWLER

110-112 E. MADISON STREET
BALTIMORE, MARYLAND 21202
(301) 827-6200
SUITE 814
6301 IVY LANE
GREENBELT, MARYLAND 20770
(301) 821-1777

June 3, 1981

Mr. Hammond
Office of Zoning Commissioner
County Courts Building
Towson, Maryland 21204

IN RE: Petition for Special Hearing
N/S of Sussex Road, 168' E. of
Newberry Lane - 9th Election Dis-
trict
Earl T. Dolan, Sr., et ux,
Petitioners 81-175-SPH (#137)

Dear Mr. Hammond:

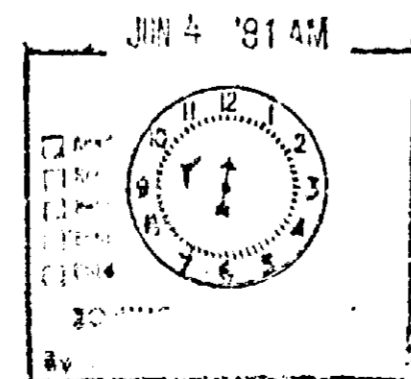
Please note an appeal to the Board of Appeals, Baltimore County, Maryland, on the above-captioned and transmit the record to said Board of Appeals.

Sincerely,

HODES, KAPLAN & KATZENBERG, P.A.

Signature of J. Michael Lawlor
J. Michael Lawlor
Attorneys for Frank Simcik,
Protestant
Wiltondale Improvement
Association
Box 10116
Towson, Maryland 21204

JML:k11



Legal Description to Accompany Petition for Special Hearing

Beginning at a point on the north side of Sussex Road, 168 feet from the intersection of Newberry Lane and Sussex Road, as recorded on the plat of Wiltondale, Plat Book 10, Folio 108, Section 1, Lot 180. Otherwise known as 606 Sussex Road. Located in the 9th Election District.

PETITION FOR SPECIAL HEARING

9th District

ZONING: Petition for Special Hearing
LOCATION: North side of Sussex Road, 168 feet East of Newberry Lane
DATE & TIME: Thursday, April 9, 1981 at 1:30 P.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a non-conforming use for a two apartment dwelling

All that parcel of land in the Ninth District of Baltimore County

Being the property of Earl T. Dolan, Sr., et ux, as shown on plat plan filed with the Zoning Department

Hearing Date: Thursday, April 9, 1981 at 1:30 P.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY